

SEPTEMBER 15, 2014

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Vice Chairman John Barton at 7:30 PM.

Richard Petteruti was issued the Oath of Office by Edleston, and was installed as the Fourth Alternate to the Land Use Board.

Present: Barton, Mayor Tomaszewski, Watters, Spender, Farino, Drazek, Hight, Sams, Keggan, Petteruti.

Absent: Vaezi, Creedon, Hazen.

Also present: William Edleston, Esquire; Drew DiSessa, P.E.

The Pledge of Allegiance was recited.

Regarding the minutes of the August 18, 2014 meeting, Hight changed the word *as* in the first sentence of the first paragraph on page five to read **at**.

MOTION was made by **WATTERS** to approve the minutes of the August 18, 2014 meeting, as amended.

SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Mayor Tomaszewski, Watters, Spender, Farino, Drazek, Hight, Sams, Keggan.

Opposed: None.

Abstained: Barton.

MOTION was made by **HIGHT** to approve the resolution for Case #14-05, Patrick McKelvie, as amended.

SECONDED: DRAZEK.

Those in favor: Spender, Farino, Drazek, Hight, Sams, Keggan, Mayor Tomaszewski, Watters.

Opposed: None.

Abstained: None.

Regarding the resolution for Case #13-04, Robert & Susan Messick, Watters indicated there appeared to be outstanding escrow fees owed to the Township. Edleston replied that he would be writing off the outstanding balance.

MOTION was made by **WATTERS** to approve the resolution for Case #13-04, Robert & Susan Messick, as amended.

SECONDED: MAYOR TOMASZEWSKI.

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Those in favor: Watters, Spender, Farino, Drazek, Hight, Sams, Keggan, Mayor Tomaszewski.

Opposed: None.

Abstained: None.

Case #14-07, Yusen Logistics (Americas) Inc.

Present for the applicant: Tom O'Connor, Esquire; Kevin Smith, P.E., P.P.; Frank Ocello, Operations Manager

Sams recused himself from the hearing.

O'Connor explained the applicant was before the board for site plan and one variance approvals. O'Connor explained the history behind the approval process for the site, and the most recent complaints regarding traffic and drainage. O'Connor also explained the measures the company has completed in order to alleviate some of the traffic issues.

Smith was sworn in by Edleston, and was accepted as an expert witness in the area of civil engineering and professional planning.

Smith indicated the latest plan revision being discussed is dated 9/4/14. Smith explained the site plan being discussed has been used for the last decade with the most recent update being in 2002. Smith stated there have been some minor impervious coverage changes, but no other major changes have been made. Smith went on to further describe the existing site conditions.

Smith stated a portion of the storage area currently used for the Lennox units could be used for tractor trailer storage. Regarding the Lennon air conditioning units, Smith stated they were applying for a variance to increase the allowed height restriction from fifteen feet to seventeen feet.

Entered as Exhibit A-1 – site plan, page 2 of 2 with a revision date of 9/4/14

Entered as Exhibit A-2 – entire site plan set

Frank Ocello, Operations Manager, was sworn in by Edleston. Ocello explained he was the operations manager from 2004 to 2009, and have just recently returned to the site. Ocello indicated there are approximately 20 – 25 trucks to the site on a daily basis. Ocello stated some of the trucks are flatbed trucks, and not tractor trailers. Ocello indicated some of the Lennon air conditioning units are stacked three high, and some four high. Ocello also mentioned there are some units which measure higher than others.

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Smith gave testimony regarding the variance being requested, and stated the benefits outweigh the detriments. Smith explained the units would take up more open space if not allowed to be stacked. Smith stated the storage area is at least 800' from Route 57, and approximately 500' from the nearest residential property. Smith stated there would be no substantial detriment to the zone plan, and this is a unique piece of property in the area.

Mayor Tomaszewski asked what the applicant would do about the drainage issue that has been an ongoing problem, and the subject of complaints by the neighbors. Smith indicated there is a swale on the property, but Tomaszewski indicated the swale doesn't appear to be working. Mayor Tomaszewski indicated the 17' height variance being requested might also be an issue for the neighbors.

Smith stated the storage area cannot be seen by the surrounding residential properties, and is protected from view by mature vegetation. Regarding the drainage issue, Smith stated nothing has been done to the site recently that has exacerbated the situation. Smith stated the edge of the driveway actually acts as a conduit for the water.

DiSessa stated he performed a site visit, and couldn't locate the end of the drainage pipe. DiSessa asked if the applicant knew where the end of the pipe was located, and if it was clear to discharge. Smith replied the pipe should be exposed and cleaned.

Edleston asked if a larger pipe size was in order. Smith replied the existing pipe should be able to deal with the water runoff.

Farino stated a staging area for the trucks is needed.

Barton asked why the height restriction is in place in the Ordinance. DiSessa replied it is possibly to protect against unsightly stacking in retail areas, and it is a restriction for all zones in the Township. DiSessa explained further it may have been a consideration for the big box store type uses.

Barton stated the height issue isn't really an issue since there are tractor trailers parked on the site, and they are of a similar height. Barton also asked why a separate lane cannot be installed and dedicated to the residential properties. Barton stated that would solve a lot of the problems.

Hight stated, in her opinion, the truck traffic has ruined the access road.

Drazek stated there has been testimony that the tractor trailers have actually blocked access to the residential properties. Drazek stated that isn't fair to the residents, but could be a huge issue in an emergency.

The hearing was opened to the public for comments and questions.

William Read of 95 Hart's Lane was sworn in by Edleston.

Entered as Exhibit O1-7 – photographs showing the roadway deterioration and being blocked

Read indicated the photographs had been taken within the last three months. Read stated Yusen has ruined the access road, and the constant overlay of asphalt has actually changed the pitch of the roadway. Read stated the pipe being discussed has been blocked for at least ten years. Read stated he asked the last operations manager to dig a channel for the water runoff, and he refused the request. Read stated the water runoff just goes across the roadway. Read stated the former owner, NYK Logistics, promised a dedicated lane to the residential properties when they applied for the bulk powder system.

Terry Sams was sworn in by Edleston, and explained he has wanted to help the neighboring applicant with the problem. Sams stated the issues with the property are long standing issues, and have been made worse by trucks driving off the blacktop and causing deterioration of the pavement edge. Sams asked if the air conditioning unit storage was actually approved for its present location, and should actually be relocated to the rear of the property. Sams stated it was his opinion that the water runoff has to be addressed, another swale has to be installed, and the driveway has to be resealed.

There were no further comments or questions from the audience. The public portion of the hearing was closed to further comments.

Mayor Tomaszewski stated the engineer has indicated the pipe was cleaned out approximately eight months ago, and if that is the case, it should be operational.

DiSessa suggested relocation and installation of an additional swale on the eastern side of the drive to cross under the roadway. DiSessa stated the existing pipe should also be investigated thoroughly to determine if it is operational.

Barton asked questions regarding the responsibilities of the parties involved in the shared access agreement. Sams indicated they were to share maintenance. O'Connor agreed that shared maintenance is the common responsibility, but the agreement is very old.

Edleston suggested the applicant should meet with the neighbors and DiSessa in order to discuss further the paving, grading, and water runoff. Edleston indicated it is clear the matter is not ready for board action at this meeting, and the matter should be carried to the next regular meeting.

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DiSessa suggested the air conditioner storage area should maybe revert back to tractor trailer parking and storage.

Barton stated the truck traffic and blockage of the roadway has to be addressed. Barton stated the roadway shouldn't be blocked in case emergency vehicles have to access one of the neighboring properties.

O'Connor explained the applicant would like to clean up the site, and get an approval of the as-built plan. O'Connor stated he would confer with his client, address the issues, and return to the board when they had a better understanding of the problems.

Farino mentioned the trucks would park wherever they want unless there is a 24-hour guard to instruct them otherwise.

MOTION was made by **WATTERS** to table the application for Case #14-07, Yusen Logistics (Americas) Inc. to the next regular meeting.

SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Farino, Drazek, Hight, Keggan, Petteruti, Mayor Tomaszewski, Watters, Spender, Barton.

Opposed: None.

Abstained: None.

Sams returned to the board.

MOTION was made by **HIGHT** to authorize payment by the Township Committee the invoices submitted by the professionals.

SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Drazek, Hight, Sams, Keggan, Mayor Tomaszewski, Watters, Spender, Farino, Barton.

Opposed: None.

Abstained: None.

MOTION was made by **BARTON** to adjourn the meeting at 9:17 PM.

SECONDED: SAMS.

Voice vote: ALL IN FAVOR.

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Respectfully submitted,

Patricia D. Zotti, Clerk
(As Written)